



MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

March 27, 2023

Crane's Roost Care Home, ALF Lic. # 5746
104 South Park Ave
Aztec, NM 87410

Via email Attn: Kelly Armstrong, cranesroost2@yahoo.com

Re: Variance Approval

Dear Provider:

Please be informed that your application for waiver and/or variance has been reviewed. Listed below is the description of the variance committee action for your files.

Please note the variance(s) granted will become a permanent part of the facility file, and will continue in force only so long as facility continues to provide services pursuant to these regulations and only so long as the variance does not adversely affect the health, safety or welfare of participants and staff. Any increase of resident capacity, change of ownership, or physical environment modifications will render the variance/waiver void and necessitate a new life safety code review. Approved variances or waivers are non-transferable and kept on file in the facility office.

Sincerely,

Jessica Madlener
Health Services Manager, Variance Committee Chair

REFERENC E TO REGULA- TIONS	DESCRIPTION	ACTION	COMMENTS
NMAC 7.8.2.55(A) (1)	Facility is requesting a variance of the bathtub requirement, as noted in the facilities email received on 10/13/22. During a remodel of the facility, the 2 walk-in tubs were removed as they were not being used by residents. Residents preferred showers.	*APPROVED as a Variance	*Pursuant to 7.8.2.9 NMAC, the Variance Committee feels the granting of this request for variance will not adversely affect the health, safety or welfare of staff or residents.

New Facility, Innovative Service
 Existing Facility
 New Facility in Existing Construction

cc: Rhonda Rodriguez, Program Operations Bureau Chief
Maurella Sooh, District Operations Bureau Chief
Alana Curlee, ALF Team Manager
File: 2023/ Crane's Roost Care Home Lic #5746, 3/27/23

Division of Health Improvement

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 5746	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 10/24/2022
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NAME OF PROVIDER OR SUPPLIER CRANE'S ROOST CARE HOME, INC	STREET ADDRESS, CITY, STATE, ZIP CODE 104 SOUTH PARK AVENUE AZTEC, NM 87410
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A 000	Initial Comments The following deficiency was cited during a Complaint survey completed on 10/24/22, in accordance with the state requirements pursuant to the 7.8.2 NMAC Regulations for Assisted Living Facilities for Adults. Complaint Intake ID #NM63084 was substantiated with deficiencies cited.	A 000		
A 041	7 NMAC 8.2.41 Building Construction BUILDING CONSTRUCTION: All building construction shall be based upon the facility occupancy in accordance with the state building code and fire codes, pursuant to 14.7 NMAC. A. New facilities. All new facilities, relocated into existing building(s) or remodeled facilities shall conform to the current edition of the state building code, accessibility code, mechanical code, plumbing code, fire code and the electrical code. (1) With regard to building height, allowable area or construction type, the state building code shall prevail. (2) Minimum construction requirements shall comply with all applicable state building codes. (3) A facility may share a building with another health care facility licensed by the department or other suitable facility with prior approval from the licensing authority. (4) Where there are conflicts between the requirements in the codes and the provisions of this rule, the most restrictive condition shall apply. B. Access for persons with disabilities. Facilities with four (4) or more residents shall provide accessibility to residents with disabilities in accordance with the state building code and the American Disabilities Act. Areas of specific concern are as follows: (1) the main entry into the facility and all required	A 041		

Division of Health Improvement
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

STATE FORM

6899

WK4N11

If continuation sheet 1

Kelly Armstrong
Kelly Armstrong
Kelly Armstrong

Administrator
Administrator
Administrators

12-8-22
4-3-23
4-4-23

Division of Health Improvement

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A 041	<p>Continued From page 1</p> <p>exits shall provide access to persons with disabilities;</p> <p>(2) the building shall allow access to persons with disabilities to all common areas;</p> <p>(3) at least one bedroom, for every eight (8) residents, shall have a door clearance of thirty-six (36) inches for access by persons with disabilities;</p> <p>(4) at least one toilet and bathing facility, for every eight (8) residents, shall have a minimum door clearance of thirty-six (36) inches for access by persons with disabilities; this toilet and bathing room shall provide a minimum sixty (60) inch diameter clear space to accommodate the turning radius of a wheelchair;</p> <p>(5) when ramps are used, each ramp shall have a minimum slope of twelve (12) inches horizontal run for each one (1) inch of vertical rise; ramps exceeding a six (6) inch rise shall be provided with handrails on both sides of the ramp;</p> <p>(6) landings at doorways shall have a level area, at a minimum of five (5) feet by five (5) feet, to provide clear space for wheelchair maneuvering;</p> <p>(7) parking spaces shall provide access aisles with a minimum width of sixty (60) inches and ninety-six (96) inches for van parking; a minimum of one (1) van-accessible parking space with a minimum width of ninety-six (96) inches shall be provided;</p> <p>(8) an accessible route for persons with disabilities from the parking area to the main entrance(s) shall be provided; and</p> <p>(9) changes in elevation of one half inch (1/2 inch) or greater shall be sloped to a minimum of twelve (12) inches horizontal run for each one (1) inch of vertical rise.</p> <p>C. Construction drawings. Prior to commencement of all new construction, remodeling, relocations, additions or renovations</p>	A 041	<p>Failed to realize that Crane's Roost should have contacted DOH for the removing tub's from East wing + West wing Bath Room's</p> <p>This will NEVER happen again!</p> <p>Any future REMODELS will be sent to DOH for APPROVAL.</p> <p>WE HAVE BEEN IN CONTACT W/ A.M. DOH</p> <p>4-3-23</p> <p>Trying to get a VARIANCE NMDOH TOOK it to COMMITTEE WE ARE STILL WAITING TO HEAR BACK.</p>	

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A 041 Continued From page 2

to existing buildings; the facility shall submit preliminary plans and final construction drawings with specifications to the licensing authority for review and approval.

(1) Building plans and specifications shall be submitted and approved by the department when:

- (a) construction for a new facility is proposed;
- (b) a building that has not previously licensed as a facility is proposed as a location for a facility;
- (c) any renovation that increases the number of beds is proposed;
- (d) any addition to an existing structure is proposed; or

(e) any renovation to the existing structure is proposed, regardless of the size of the facility.

(2) The codes that are in effect at the time of the submittal of building plans shall be the codes used through the end of the project.

(3) Drawings and specifications shall be prepared for the architectural, structural, mechanical and electrical branches of work for each construction project and shall include the following:

- (a) the site plan(s) showing property lines, finish grade, location of existing and proposed structures, roadways, walks, utilities and parking areas;
- (b) the floor plan(s) showing scale drawings of typical and special rooms, indicating all fixed and movable equipment and major items of furniture;
- (c) the separate life safety plans showing the fire and smoke compartment(s), all means of egress and exit markings, exits and travel distances, dimensions of compartments and calculation and tabulation of exit units, all fire and smoke walls shall be graphically coded;
- (d) the exterior elevation of each facade;
- (e) the typical sections throughout the building;
- (f) the schedule of finishes;
- (g) the schedule of doors and windows;

A 041

3-27-23 VARIANCE GRANTED By N.M. DOTT

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A 041	Continued From page 3 (h) the roof plans; and (i) the building code analysis. (4) For facilities with more than fifteen (15) residents: architectural drawings shall be stamped, signed and dated by a licensed architect registered in New Mexico. In addition to items listed in section (3) above, the drawings shall include the following: (a) the building code analysis; and (b) when an elevator is required, the details and dimensions of the elevator. (5) Structural drawings shall include the following: (a) a certification that all structural design and work are in compliance with all applicable local codes; (b) the plans of foundations, floors, roofs and intermediate levels that show a complete design with sizes, sections and the relative location of the various members; and (c) the schedules of beams, girders and columns. (6) Mechanical drawings shall include the following: (a) a certification that all mechanical work and equipment are in compliance with all applicable local codes and laws and that all materials are listed by recognized testing laboratories; (b) the water supply, sewage and heating, ventilation and air conditioning piping systems; (c) the heating, ventilating, HVAC piping and air conditioning systems with all related piping and auxiliaries, if any, to provide a satisfactory installation; (d) the water supply, sewage and drainage with all lines, risers, catch-basins, manholes and cleanouts clearly indicated as to location, size, capacities and location and dimensions of septic tank and disposal field; (e) the sprinkler head layout; and (f) the graphic coding (with a legend) to show	A 041		
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A 041	Continued From page 4 supply, return and exhaust systems. (7) Electrical drawings shall include the following: (a) a certification that all electrical work and equipment are in compliance with all applicable local codes and laws and that all materials are currently listed by recognized testing laboratories; (b) all electrical wiring, outlets, riser diagrams, switches, special electrical connections, electrical service entrance with service switches, service feeders and characteristics of the light and power current and transformers when located within the building; (c) a fixture legend; and (d) a graphic coding (with a legend) to show all items on emergency power. (8) Include additional information as needed and requested by the licensing authority. (9) Final working drawings and specifications shall be accurately dimensioned and include all necessary explanatory notes, schedules, legends and have all rooms labeled. The working drawings and specifications shall be complete and adequate for contract purposes. (10) One set of final plans shall be submitted to the licensing authority for review and approval prior to the commencing of construction. All construction shall be executed in accordance with the approved final plans and specifications. (11) Review and approval of building plans by the licensing authority does not eliminate responsibility of the applicant to comply with all applicable laws, rules and ordinances. (12) The final approval of building plans and specifications shall be acknowledged in writing by the licensing authority. (13) The approved building plans shall be kept at the facility and readily available at all times. D. Fire resistance. Required building construction and fire resistance shall be in accordance with	A 041		
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A 041	<p>Continued From page 5</p> <p>the state building code and the fire code. Facilities with nine (9) or more residents shall be protected throughout by an approved automatic fire protection (sprinkler) system.</p> <p>E. Prohibition of mobile homes. For facilities with four (4) or more residents, trailers and mobile homes shall not be used.</p> <p>F. Construction. Construction shall commence within one hundred eighty (180) calendar days of the date of receipt of approval (unless a written extension is requested by the facility and approved by department). This approval shall in no way permit or authorize any omission or deviation from the requirements of any restrictions, laws, ordinances, codes or standards of any regulatory agency. [7.8.2.41 NMAC - Rp, 7.8.2.41 NMAC, 01/15/2010]</p> <p>This REQUIREMENT is not met as evidenced by: 7.8.2 41 C</p> <p>Based on observation, and interview the facility failed to submit preliminary plans and final construction drawings with specifications to the Licensing Authority for review and approval, prior to starting any reconstruction/remodeling of the facility.</p> <p>This deficient practice has the potential for all 14 (R #s 1-14) residents listed on the census, provided by the Administrator on 09/21/22 to be at risk of harm or injury if the reconstruction/remodeling plans have not been approved by the Licensing Authority and there is no oversite to ensure that there are no safety risks to the residents during the reconstruction/remodeling.</p>	A 041		

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A 041	<p>Continued From page 6</p> <p>● The findings are:</p> <p>A. Record review of the complaint intake #63084 received by the Licensing Authority on 11/30/22, the complainant reported:</p> <p>B. On 09/21/22 at 12:53 pm, during observation of both of the facility's shower rooms revealed, the bathtubs had been removed and replaced with walk in showers.</p> <p>C. On 09/21/22 at 1:00 pm, during an interview with the Administrator, she confirmed that they remodeled the restrooms and removed the bathtubs due to the residents not utilizing them.</p> <p>D. On 09/28/22 at 2:00 pm, during an exit interview with the Administrator, she confirmed:</p> <ol style="list-style-type: none"> 1. The bathtubs were removed from the facility due to the residents not using them. 2. They could not make the correction to replace the bathtubs due to the amount of money that was already spent on remodeling the restrooms. 3. The facility would need to shut down if the they are required to make corrections to the bathtubs to remain in compliance with NMAC 7.8.2.55. 	A 041		